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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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February 17, 2000

Mr. Keith Klein
United States Department of Energy/Richland Operations
P.O. Box 550, MSIN: A7-50
Richland, Washington 99352

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EDMC

Mr. Richard French
United States Department of Energy/Office of River Protection
P. O. Box 550, MSIN: H6-60
Richland, Washington 99352

Dear Messrs. Klein and French:

Re: *Completion of Corrective Measure per October 19, 1999, Notice of Correction
Docket No. 99NWPKW-20*

The Washington State Department of Ecology (Ecology) conducted an inspection of 90-day accumulation areas on the Hanford Site on September 16, 1999. As a result of this inspection, Ecology issued a Notice of Correction (NOC) to the United States Department of Energy (USDOE), and its contractors, on October 19, 1999. The NOC cited a violation of the Dangerous Waste Portion of the Resource, Conservation and Recovery Act (RCRA) Permit for the Treatment, Storage, and Disposal of Dangerous Waste at the Hanford Site, WA7890008967, (RCRA Permit). Ecology's NOC cited a violation of Condition II.I.1.a of the RCRA Permit, which requires the Permittees to maintain a listing of 90-day and satellite accumulation areas, and their locations.

The USDOE and its contractors issued a response to Ecology's NOC on November 24, 1999, stating that RCRA Permit Condition II.I.1.a does not apply to 90-day accumulation areas which are not subject to this Permit (i.e., 90-day areas *not* within final status TSD units). You substantiate this claim by referencing language in the text of the RCRA Permit that associates waste management activities with TSD units subject to the provision of the RCRA Permit. You also reference Attachment 3 to the RCRA Permit (Permit Applicability Matrix), which you claim excludes interim status TSD units from the provisions of Condition II.I.1.a.

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The language in the text of the RCRA Permit that you referenced neither specifically excludes, or includes, generator requirements, nor specifies that Permit Conditions relative to generator requirements apply only at TSD units, subject to the conditions of the Permit (i.e., final status TSDs). In fact, paragraph nine of the Introduction to the RCRA Permit, referenced in your November 24 letter, states "Where appropriate, the General Facility Conditions also address dangerous waste management activities which may not be directly associated with distinct treatment, storage and disposal (TSD) units, or which may be associated with many TSD units (i.e., spill reporting, training, contingency planning, etc.)." Ninety-day accumulation areas are generator waste management activities, and not TSD specific activities, in use throughout the Hanford Site.

The language of Condition II.I.1.a requires information beyond that related to permitted units. For example, it requires identification of all Solid Waste Management Units (SWMUs), 90-day areas, and satellite accumulation areas. Condition II.I.1.a does *not* differentiate between requiring identification of SWMUs, as opposed to 90-day accumulation areas, rather it clearly applies to both. The intent of this Condition is further clarified in the Hanford Facility RCRA Permit Handbook, which specifically includes identification and location of 90-day accumulation areas as a sitewide requirement.

Condition II.I.1.a differentiates between Facility Operating Records (i.e., records within the boundary of the Hanford Facility) as opposed to TSD unit specific Operating Records. Condition II.I.1.a applies specifically to the Facility Operating Record. Therefore, Condition II.I.1.a includes identification and location of all SWMUs, 90-day areas, and satellite accumulation areas within the Hanford Facility, and is not limited to final status TSD units with their individual Operating Records.

For the reasons stated above, *Ecology does not concur* with your claim that, based on the language of the RCRA Permit, as referenced in your November 24 letter, Permit Condition II.I.1.a applies only to final status TSD units.

Regarding your reference to the Permit Applicability Matrix (Appendix 3 to the RCRA Permit), Ecology recognizes a discrepancy between the text of the RCRA Permit requirements and the Applicability Matrix. However, the provisions of the RCRA Permit are senior to this discrepancy. Therefore, Ecology defers to the requirements of the RCRA Permit itself. Ecology will include revision of the Applicability Matrix in the next scheduled modification cycle for the RCRA Permit to ensure the Applicability Matrix reflects the intent and language of the RCRA Permit.

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In consideration of the foregoing facts, please be advised that the USDOE and its contractors are required to maintain a current listing of all 90-day areas on the Hanford Site per Condition II.I.1.a, and as specified in Ecology's NOC dated October 19, 1999. Ecology considers the September 16, 1999, inspection closed with regards to the requirements of RCRA Permit Condition II.I.1.a.

If you have any questions regarding this letter, please contact me at (509) 736-3031.

Sincerely,



Bob Wilson, Compliance Inspector
Nuclear Waste Program

BW:ld

cc: James Rasmussen, USDOE
Anthony Umek, FDH
Mary Delozier, CH2M Hill
Alice Ikenberry, PNNL
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Administrative Record: TWRS